

BOARD OF EDUCATION BYLAWS

MEETING CONDUCT

Meeting Procedures

Governing Board meetings shall begin on time to the extent feasible and shall be guided by an agenda prepared in accordance with Board Bylaws and posted and distributed in accordance with the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

The Board President shall conduct Board meetings in accordance with Board Bylaws and procedures that enable the Board to efficiently consider matters on the agenda and carry out the will of the Board.

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned by 11:00 p.m. unless extended to a specific time determined by a majority of the Board present at the meeting. The meeting shall be extended no more than once and subsequently may be adjourned to a later date.

Quorum and Abstentions

The Board shall act by majority vote of all of the membership constituting the Board (Education Code 35164), or as otherwise required by law, or permitted by the Board's Bylaws with respect to purely procedural matters.

The Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. In the absence of a conflict of interest, in the event of a tie vote, a member's abstention counts with the affirmative vote as to the motion before the Board. If a member wishes to prevent a motion from being carried, he or she must do so by voting "no."

When a member abstains as the result of an actual, perceived, or potential conflict of interest, his/her abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

Public Participation

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or, at regular Board meetings, within the Board's subject matter jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting.

To conduct district business in an orderly and efficient manner, the Board requires that public presentations to the Board comply with the following procedures:

At all regular meetings, the Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board. The designated time on the agenda for such opportunity is during the public comment section of the agenda. (Education Code 35145.5, Government Code 54954.3) At special meetings, public comment is limited to matters appearing on the agenda for the special meeting. (Government Code 54954.3)

#### Public Speakers Addressing the Board on Items on the Agenda

1. The designated time on the agenda for the public to address the Board on items on the agenda is generally during the public comment time on the agenda. However, the Board President may determine that speakers wishing to be heard on a specific agenda item will be heard at the time the agenda item is before the Board for consideration, subject to the time limitations set forth in this policy. With respect to items agendized for discussion purposes only, the Board President shall determine the appropriate time to hear from members of the public.
  - a. The Board President may determine at what point in the Board's deliberations with respect to an item agendized for action members of the public will be heard by the Board.
  - b. Members of the public who have requested to be heard on an agenda item must be allowed to address the Board before any vote relating to the item is taken, including any motions that would delay the Board's consideration of the item.
  - c. Before an item appearing on the agenda may be disposed of for lack of a motion, or for lack of a second, members of the public who have requested to be heard on the item will be provided with the opportunity to address the Board on the item.
  - d. If the item has been removed from the agenda at the request of the Superintendent or designee, but it is anticipated the item will be returned to the agenda at a later date, the Board President may request that members of the public hold their comments until the item is returned for consideration at a subsequent meeting.
2. A person wishing to be heard by the Board shall first be recognized by the President and shall then proceed to comment.
  - a. Individual speakers shall be allowed up to three minutes to address the Board on each agenda item. The Board shall limit the total time for public input on each item to 20 minutes. With Board consent, the President may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. If fewer than all members of the Board are present at the meeting, a simple majority of the quorum is sufficient to authorize the extension of

a speaker's time. If the extension of time is not approved by a majority of Board members present, the three-minute limitation per speaker shall apply.

- b. The Secretary to the Board shall be responsible for tracking the total amount of time remaining on any agenda item, and subsequent speakers may have their time shortened as a result of the expiration of amount of time allocated for speakers to address the agenda item.
- c. The President may take a poll of speakers for or against a particular issue and ask that additional persons speak only if they have something new to add.
- d. If a member of the public desires to be heard on more than three items appearing on the agenda, he or she will be allowed up to a total of ten minutes to address all desired agenda items during the designated public comment time, with a maximum of three minutes per agenda item. The Secretary to the Board shall be responsible for tracking the amount of time remaining for a given speaker.
- e. If any member of the Board objects to either the shortening of the total amount of time allocated per speaker, or to the specific amount of time allocated to the agenda item, the matter shall be immediately submitted to a vote by the raising of hands. If fewer than all members of the Board are present at the meeting, a simple majority of the quorum is sufficient to authorize the shortening of the total time allocated to each speaker as proposed by the President, or to establish specific time limits per speaker or per agenda item as proposed by the President.

#### Public Speakers Addressing the Board on Issues Not on the Agenda (Regular Meetings)

1. At a regular meeting of the Board, members of the public may address the Board with respect to matters not appearing on the agenda, so long as the matter is within the subject matter jurisdiction of the Board. The Board may refer such a matter to the Superintendent or designee or take it under advisement, but shall not take action at that time, except as authorized by law. (Education Code 35145.5, Government Code 54954.2)

Without taking action, Board members or district staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, a Board or staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her own activities. Furthermore, the Board or a Board member may refer to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)

2. If a member of the public desires to be heard on a matter not appearing on the agenda, he or she will be allowed up to three minutes to address the Board. This time may be extended in increments of thirty seconds by the President, absent objection by any other member of the Board. If the extension of time is objected to, the matter shall be immediately submitted

to a vote by the raising of hands. If fewer than all members of the Board are present at the meeting, a simple majority of the quorum is sufficient to authorize the extension of a speaker's time. If a majority of members present do not vote to extend the speaker's time, the three-minute limitation shall apply.

3. The total amount of time allocated for public speakers to address a matter not appearing on the agenda, but within the Board's subject matter jurisdiction, is a maximum of 20 minutes. If a member of the public desires to address the Board on more than three matters not appearing on the agenda, he or she will be allowed up to a total of 10 minutes to address all desired matters not appearing on the agenda, with a maximum of three minutes per item. The Secretary to the Board shall be responsible for tracking the amount of time remaining for a given speaker.
4. As set forth above with respect to speakers addressing agenda topics, this time may be shortened or extended in the same manner provided above for public speakers addressing agenda items. The Board's Secretary to the Board shall be responsible for tracking the total amount of time remaining for nonagenda speakers, and subsequent speakers may have their time shortened as a result of the expiration of amount of time allocated for speakers to address nonagenda items.
5. The President may rule on the appropriateness of a topic that is not on the agenda. If the topic would be more suitably addressed at a later time, the President may indicate the appropriate time and place for the topic to be presented.
6. The Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines the item has been substantially changed since the committee heard the item, the Board shall provide an opportunity for the public to speak. (Government Code 54954.3)
7. The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts or omissions. (Government Code 54954.3) The Board may not prohibit public criticism of District employees.
8. Whenever a member of the public makes specific complaints or charges against an employee while addressing the Board, the President shall inform the complainant that it is the preference of the Board to hear such complaints or charges in closed session unless otherwise requested by the employee pursuant to Government Code section 54957. The President shall also encourage the complainant to file a complaint using the appropriate district complaint procedure. However, the presentation of such complaints or charges to the Board by a recognized speaker shall not alone be grounds for declaring the speaker out of order. All speakers are subject to the requirements and conditions of this policy.

#### Decorum for Addressing the Board

1. Members of the public who wish to address the Board will do so from the podium, unless other arrangements have been made in advance of the meeting through the

Superintendent's office. Members of the public who address the Board without being recognized to do so by the President are out of order.

2. When a speaker's allotted time has expired, and has not been extended, he or she shall leave the podium immediately. Members of the public who continue to speak after their time to do so has expired, or without having been recognized by the President, are out of order.
  - a. If a member of the public either refuses to leave the podium or persists in engaging in conduct (as opposed to the content of their speech) that disrupts the meeting, the President shall warn the member of the public that he or she is out of order and disrupting the meeting.
  - b. If after such warning the disruption continues, the President may take action as necessary to restore order to the meeting. In such event, the President may call for a voice vote to immediately recess the meeting. If the disruption persists after return from the recess, the President may take such further action as he or she deems necessary to restore order to the meeting. Individuals whose conduct willfully disrupts a meeting of the Board are subject to arrest and removal pursuant to Penal Code section 403 and Education Code section 32210.
  - c. As appropriate, the President may, after warning disruptive members of the public in attendance at the meeting, ask for a voice vote of the Board directing that the meeting room be cleared pursuant to Government Code section 54957.9.
    - (1) In the event the Board directs that the room be cleared, members of the media not participating in the disturbance shall be allowed to remain, and individuals not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)
    - (2) The Board may permit members of the public present who did not participate in the disruption to return to the meeting after the room has been cleared.

#### Recording by the Public

The Superintendent or designee shall designate locations from which members of the public may broadcast, photograph, audio record, or video record open meetings without causing a distraction.

If the Board finds that noise, illumination or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the Board. (Government Code 54953.5, 54953.6)

Adopted: October 16, 2018 (Formerly Named 9140.1)